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18 ***Pro Hac Vice Motion To Be Filed***

19 **IN THE UNITED STATES DISTRICT COURT**
20 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

21 **BRITTANI GATTONI,**
22
23 **Plaintiff**

Civil Case No.:

24 -against-

25 **PACIFIC COLLECTIONS CREDIT**
26 **BUREAU,**

27 **Defendant**
28

CIVIL ACTION
COMPLAINT
and
JURY TRIAL DEMAND

1 Plaintiff BRITTANI GATTONI (hereinafter, “Plaintiff”), a California resident,
2 brings this complaint by and through the undersigned attorneys, against
3 Defendant PACIFIC COLLECTIONS CREDIT BUREAU (hereinafter
4 “Defendant” or “PCCB”), for its violations of the Fair Debt Collection Practices
5 Act 15 U.S.C. §1692 (hereinafter “FDCPA”), and the Rosenthal Fair Debt
6 Collection Practices Act, California Civil Code §§ 1788 et seq. (hereinafter
7 “RFDCPA”), based upon information and belief of Plaintiff’s counsel, except for
8 allegations specifically pertaining to Plaintiff, which are based upon Plaintiff’s
9 personal knowledge.
10

11 **INTRODUCTION/PRELIMINARY STATEMENT**

- 12
- 13 1. Congress enacted the FDCPA in 1977 in response to the “abundant evidence
14 of the use of abusive, deceptive, and unfair debt collection practices by many
15 debt collectors.” 15 U.S.C. § 1692(a). At that time, Congress was concerned
16 that “abusive debt collection practices contribute to the number of personal
17 bankruptcies, to material instability, to the loss of jobs, and to invasions of
18 individual privacy.” *Id.* Congress concluded that “existing laws . . . [we]re
19 inadequate to protect consumers,” and that “the effective collection of debts”
20 does not require “misrepresentation or other abusive debt collection
21 practices.” 15 U.S.C. §§ 1692(b) & (c).
22
 - 23 2. Congress explained that the purpose of the Act was not only to eliminate
24 abusive debt collection practices, but also to “insure that those debt
25 collectors who refrain from using abusive debt collection practices are not
26 competitively disadvantaged.” *Id.* § 1692(e). After determining that the
27 existing consumer protection laws were inadequate, *id.* § 1692(b), Congress
28

1 gave consumers a private cause of action against debt collectors who fail to
2 comply with the Act. *Id.* § 1692k.

- 3
4 3. One of the purposes of the Rosenthal Fair Debt Collection Practices Act,
5 California Civil Code § 1788 is to prohibit debt collectors from engaging in
6 unfair or deceptive acts or practices in the collection of consumer debts.
7

8 **JURISDICTION AND VENUE**

- 9
10 4. The Court has jurisdiction over this action under 28 U.S.C. § 1331, 15 U.S.C.
11 § 1692 *et seq.* and 28 U.S.C. § 2201. If applicable, the Court also has pendent
12 jurisdiction over the state law claims in this action pursuant to 28 U.S.C. §
13 1367(a).
14 5. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).
15

16 **NATURE OF THE ACTION**

- 17
18 6. Plaintiff brings this action seeking redress for Defendant's actions of using
19 false, deceptive and misleading representation or means in connection with
20 the collection of an alleged debt.
21 7. Defendant's actions violated § 1692 *et seq.* of Title 15 of the United States
22 Code, commonly referred to as the Fair Debt Collections Practices Act
23 ("FDCPA"), which prohibits debt collectors from engaging in false,
24 deceptive or misleading practices.
25 8. Defendant's actions violated California Civil Code § 1788 *et seq.* of the
26 Rosenthal Fair Debt Collection Practices Act ("RFDCPA"), which
27 prohibits debt collectors from engaging in unfair or deceptive acts or
28

1 practices in the collection of consumer debts.

2 9. Plaintiff is seeking damages, and declaratory and injunctive relief.

3 **PARTIES**

4 10. Plaintiff is a natural person and a resident of the State of California, and is a
5 "Consumer" as defined by 15 U.S.C. §1692(a)(3).

6 11. Defendant PACIFIC COLLECTIONS CREDIT BUREAU is a collection
7 agency with its principal office located at 637 Lucas Avenue, Los Angeles,
8 CA 90017.

9 12. Upon information and belief, Defendant is a company that uses the mail,
10 telephone, or facsimile in a business the principal purpose of which is the
11 collection of debts, or that regularly collects or attempts to collect debts
12 alleged to be due another.

13 13. Defendant is a "debt collector," as defined under the FDCPA under 15
14 U.S.C. § 1692a(6).

15 **ALLEGATIONS OF FACT**

16
17
18 14. Plaintiff repeats, reiterates and incorporates the allegations contained in
19 paragraphs above herein with the same force and effect as if the same were
20 set forth at length herein.

21 15. Some time prior to January 10, 2018, an obligation was allegedly incurred
22 to UNIVERSAL DIAGNOSTIC LAB.

23 16. The UNIVERSAL DIAGNOSTIC LAB obligation arose out of a transaction
24 in which money, property, insurance or services, which are the subject of the
25 transaction, are primarily for personal, family or household purposes.

26 17. The alleged UNIVERSAL DIAGNOSTIC LAB obligation is a "debt" as
27 defined by 15 U.S.C. § 1692a(5).
28

1 18.UNIVERSAL DIAGNOSTIC LAB is a "creditor" as defined by 15 U.S.C.§
2 1692a(4).

3 19.Defendant contends that the UNIVERSAL DIAGNOSTIC LAB debt is past
4 due.

5 20.Defendant is a company that uses mail, telephone or facsimile in a business
6 the principal purpose of which is the collection of debts, or that regularly
7 collects or attempts to collect debts incurred or alleged to have been incurred
8 for personal, family or household purposes on behalf of creditors.

9 21.UNIVERSAL DIAGNOSTIC LAB directly or through an intermediary
10 contracted the Defendant to collect the alleged debt.

11 22.On or about January 10, 2018, the Defendant caused to be delivered to the
12 Plaintiff a collection letter in an attempt to collect the alleged UNIVERSAL
13 DIAGNOSTIC LAB debt. *See Exhibit A.*

14 23.The January 10, 2018 letter was sent or caused to be sent by persons
15 employed by Defendant as a “debt collector” as defined by 15 U.S.C.
16 §1692a(6).

17 24.The January 10, 2018 letter is a “communication” as defined by 15 U.S.C.
18 §1692a(2).

19 25.The Plaintiff received and read the Letter sometime after January 10, 2018.

20 26.The Letter stated in part:

21 “BALANCE:: \$124.72”

22 27.On or about January 10, 2018, the Defendant caused to be delivered to the
23 Plaintiff another collection letter in an attempt to collect the same alleged
24 UNIVERSAL DIAGNOSTIC LAB debt. *See Exhibit B.*

25 28.The Plaintiff received and read the Letter referenced hereto as **Exhibit B**
26 sometime after January 10, 2018.

27 29.The Letter stated in part:
28

1 “BALANCE.....: \$132.36”

2 30.Upon reading both letters received from the Defendant, the Plaintiff, as
3 would any unsophisticated consumer, was left unsure as to the balance of the
4 debt; either \$124.72 or \$132.36.

5 31.By failing to accurately state the amount of the alleged debt in either
6 letter, Defendant violated the FDCPA and harmed the Plaintiff.

7 32.The Plaintiff was harmed by being misrepresented as to the amount of the
8 debt, by being subjected to abusive collection practices which she had a
9 substantive right to be free from, and by the Defendant attempting to charge
10 two different amounts without providing an explanation of the charges in
11 the Collection Letter. Defendant further created the risk of harm that the
12 Plaintiff would pay more money than she actually owed.

13 33.Defendant could have taken the steps necessary to bring its actions
14 within compliance with the FDCPA, but neglected to do so and
15 failed to adequately review its actions to ensure compliance with the
16 law.
17

18 **COUNT I**

19 **VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**

20 **15 U.S.C. §1692e et seq.**

21 34.Plaintiff repeats, reiterates and incorporates the allegations contained in
22 paragraphs above herein with the same force and effect as if the same were
23 set forth at length herein.

24 35.Defendants' debt collection efforts attempted and/or directed towards the
25 Plaintiff violated various provisions of the FDCPA, including but not
26 limited to 15 U.S.C. § 1692e.

27 36.Pursuant to 15 U.S.C. § 1692e, a debt collector may not use any false,
28

1 misleading and/or deceptive means to collect or attempt to collect any
2 debt or to obtain information concerning a consumer.

3 37. The Defendants violated said section in its letters to the Plaintiff by:

- 4 a. Using a false, deceptive, and misleading representations or
5 means in connection with the collection of a debt;
6 b. Falsely representing the amount of the alleged debt in violation of
7 1692e(2)(A);
8 c. Making a false representation or using deceptive means to collect
9 a debt in violation of 1692e(10).

10 38. Pursuant to § 1788 of the RFDCPA, a debt collector may not engage in
11 unfair or deceptive acts or practices in the collection of consumer debts.

12 39. By reason thereof, Defendant is liable to Plaintiff for judgment that
13 Defendant's conduct violated Section 1692e *et seq.* of the FDCPA, Section
14 1788 of the RFDCPA, actual damages, statutory damages, costs and
15 attorneys' fees.
16

17
18 **DEMAND FOR TRIAL BY JURY**

19
20 40. Pursuant to Rule 38 of the Federal Rules of Civil Procedure,
21 Plaintiff hereby request a trial by jury on all issues so triable.
22

23 **PRAYER FOR RELIEF**

24
25 **WHEREFORE**, Plaintiff demands judgment against Defendants as follows:
26

- 27 (a) Awarding Plaintiff statutory damages;
28 (b) Awarding Plaintiff actual damages;

1 (c) Awarding Plaintiff costs of this Action, including reasonable
2 attorneys' fees and expenses;

3 (d) Awarding pre-judgment interest and post-judgment interest;
4 and

5 (e) Awarding Plaintiff such other and further relief as this Court
6 may deem just and proper.

7
8 Dated: February 22, 2018
9

10 /s/ Jonathan A. Stieglitz
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20 **PRO HAC VICE MOTION TO BE FILED**

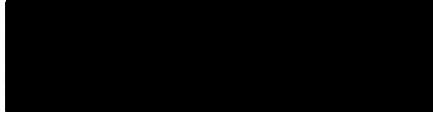
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PACIFIC COLLECTIONS CREDIT BUREAU
Collections & Billing
PO BOX 370206
RESEDA CA 91337-0206

1-800-262-9038

January 10, 2018

GATTONI, BRITTANI



CREDITOR: UNIVERSAL DIAGNOSTIC LAB
ACCOUNT#: [REDACTED] 9775
CLIENT ACCOUNT# .: [REDACTED]

BALANCE: \$124.72

This is an attempt to collect a debt. Any information obtained will be used for that purpose.

CS, [REDACTED]

PACIFIC COLLECTIONS CREDIT BUREAU

Collections & Billing
PO BOX 370206
RESEDA CA 91337-0206

1-800-262-9038

GATTONI, BRITTANI



CREDITOR: UNIVERSAL DIAGNOSTIC LAB
FILE #: [REDACTED]
CLIENT ACCOUNT# .: [REDACTED] 6467

BALANCE.....: \$132.36

January 10, 2018

Dear Brittani Gattoni ,

We have not received a response to our recent letter requesting payment in full of your outstanding account. If you are unable to remit the amount due today, please contact our office so that we may discuss alternate payment arrangements.

Naturally, if we do not hear from you or payment is not received, other actions will be taken that could AFFECT YOUR CREDIT SCORE.

We prefer to avoid taking further action and look forward to hearing from you.

Please make payments payable to PCCB: PO Box 370206, Reseda CA 91337-0206 Write your account number on your check or money order. **DO NOT SEND CASH!**

Visa or Mastercard: Account# _____ Exp.Date _____ \$ _____

Cardholder Name _____ Cardholder Singature _____

PLEASE MAIL PAYMENT BY DUE DATE OR PAY BY VISITING
WWW.PACIFICCOLLECTIONCREDIT.COM OR BY PHONE 1-800-262-9038

This is an attempt to collect a debt. Any information obtained will be used for that purpose.

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Pacific Collections Credit Bureau Sued Over Alleged Failure to Specify Debt Balance](#)
